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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 11 August 1998 concerning Puerto Rico

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I. Introduction

1. At its 11th meeting, on 6 July 1999, the Special Committee adopted resolution A/AC.109/1999/28 on the question of the Special Committee decision of 11 August 1998 concerning Puerto Rico. In paragraph 7 of the resolution, the Special Committee requested the Rapporteur to submit a report to the Special Committee on the implementation of the resolution. The present report was prepared by the Rapporteur of the Special Committee in response to that request. It considers the question of Puerto Rico in the light of previous reports prepared by the Rapporteur, recent political developments in Puerto Rico, action taken by United Nations bodies on the question and the views of the parties concerned.

II. Information on Puerto Rico

A. General background

2. Puerto Rico is the most easterly and smallest island of the Greater Antilles in the Caribbean Sea. It has an area of 8,637.7 square kilometres, including the small nearby islands of Vieques, Culebra and Mona. More than three fourths of Puerto Rico is mountainous and the range that runs its length reaches an elevation of 1,219 metres at its highest point.

3. The population, which numbered approximately 150,000 at the beginning of the nineteenth century, increased to more than 2 million during the first half of the twentieth century. According to the 1990 census, the population totalled 3,522,037; in 1997 it was estimated at approximately 3.82 million. In addition, there are reported to be between 2.5 and 3 million Puerto Ricans residing on the mainland of the United States of America. The 1990 census calculated the population of San Juan, Puerto Rico's capital, to be approximately 438,000, and the most recent Census Bureau estimates (1997) suggest that this has changed by less than 1 per cent.

4. Puerto Rico was a colony of Spain from 1508 until 1898. Under the Treaty of Paris of 10 December 1898, marking the end of the Spanish-American war, the island was ceded to the United States, which established a military protectorate on the island between 1898 and 1900. In 1900, the United States Congress passed the Foraker Act, replacing the military Government with a civilian one that included a popularly elected legislature. The Governor and the members of the Executive Council, however, were appointed by Washington, D.C., and they retained broad powers over the legislature.

5. Self-government was strengthened by the Organic Act (the "Jones Act") of 1917, which added a bill of rights and a popularly elected senate to the governmental machinery established by the Foraker Act. The Governor remained a Washington D.C., appointee , however, and continued to hold veto power over legislation. The Act also conferred American citizenship on all Puerto Ricans, though the measure was opposed by the Cámara de Delegados, the popularly elected legislative body.

6. In 1948, during an extraordinary session of the Legislative Assembly, three laws designed to punish acts against the Government of Puerto Rico were passed. One of these was signed by the Governor and became Law 53, also known as the "Ley de la Mordaza", or the "Gag Law". According to this legislation, it became a felony to advocate the forceful destruction or overthrow of the island's Government. The law considered as felonious the printing or publishing of certain materials as well as the organization of groups or assemblies dedicated to overthrowing the Government. [1]

7. Also in 1948, following enactment by the United States Congress of Public Law 362, the first popular gubernatorial elections were held, ending the succession of Washington D.C.-appointed governors. In 1950, the United States Congress adopted Public Law 600 which provided for the organization of a constitutional government by the people of Puerto Rico. A referendum on the question was held and on 4 June 1951 the law was approved by 76.5 per cent of Puerto Ricans who voted. A constitutional convention was elected in August 1951 and a draft constitution was subsequently prepared. On 3 March 1952, the draft constitution was submitted to the people of Puerto Rico. It was approved by 81 per cent in a referendum in which 59 per cent of eligible voters participated. The draft was sent to the United States Congress for approval and was adopted on 25 July 1952, via Public Law 447, on the condition that specific changes be made to the Bill of Rights.[2] The changes were made despite some objections that the constitution could not be unilaterally modified by the United States Congress. The popular referendum and congressional ratification

created the "Commonwealth" of Puerto Rico, a loose translation of the Spanish term provided in the Constitution: "Estado Libre Asociado de Puerto Rico".

8. The Constitution of the Commonwealth of Puerto Rico is described in detail in the Rapporteur's report of 26 August 1974 (A/AC.109/L.976, paras. 91-119). In brief, the Government consists of: (a) a Governor elected for four years at each general election; (b) a Legislative Assembly comprising two houses; a Senate (27 members) and a House of Representatives (51 members), whose members are elected by direct vote of the adult population at each general election; and (c) a Supreme Court and lower courts. Puerto Rico is represented in the Government of the United States by a Resident Commissioner, who is a non-voting member of the United States House of Representatives, but a voting member of the committees on which he or she sits. Although it has its own courts, the Puerto Rican legal system is integrated into the United States federal judicial system via the First Circuit Court of Appeals and federal law trumps local law.

9. Even with the passage of Public Law 600 and the establishment of a constitutional government for Puerto Rico, all laws concerning the Territory's relations with the United States continued to remain in force. These provisions constituted the Federal Relations Act, which is described in detail in the Rapporteur's 1974 report (A/AC.109/L.976, paras. 120-132) and under which Act, Puerto Rico was brought within the trade, tariff and monetary systems of the United States. Furthermore, the United States undertook responsibility for the defence of Puerto Rico.

10. In 1958, a bill was enacted by Puerto Rico's Legislative Assembly requesting changes in the Federal Relations Act. The following year, only seven years after the ratification of the constitution, three bills requesting changes in the political status of the Territory were submitted to the United States Congress, but no action was taken on any of them. Further, in 1967, a plebiscite was held, offering inhabitants the choice between independence, becoming a part of the United States or maintaining the Commonwealth status. The latter option was upheld by 60.41 per cent of voters. These efforts to change and/or clarify the status of Puerto Rico relative to the United States are described in greater detail in previous reports by the Rapporteur (A/AC.109/L.976). For references to subsequent developments pertinent to the question of political status, see paragraphs 52 to 61 of the present report.

B. Economic development

11. Puerto Rico has an industrialized economy with particular characteristics derived from its island geography and close institutional links to the United States. The manufacturing sector, which includes operations in pharmaceuticals, electronics, and scientific and precision instruments, accounts for more than 40 per cent of the gross domestic product (GDP). Industrialization was encouraged by the Industrial Incentive Act of 1954, which granted concessions to North American companies that located plants on the island. In addition, section 936 of the United States Federal Tax Code provided generous tax incentives to such companies, including the right to tax-free repatriation of profits. Throughout the years, these policies helped to make Puerto Rico an "offshore manufacturing outpost"[3] of the United States, a status confirmed by its trade data: total trade represents more than 25 per cent of GDP; about 90 per cent of Puerto Rico's merchandise exports go to the United States; and imports of raw materials and finished products by United States firms on the island make up 85 per cent of total imports. About 10 per cent of Puerto Rico's GDP comes from tourism, the development of which has become a priority for the current Government.[4] However, Section 936 incentives are now being phased out and will be abolished altogether by 2007. Thus, the administration is attempting to shift the economic base from manufacturing to services, with emphasis on high technology business and research, as well as tourism.[5]

12. According to the Labor Department of Puerto Rico, in the year ending in October 1999, manufacturing employment declined by 8,000 jobs, a 5 per cent contraction from the previous year. Over the course of the past two fiscal years, the manufacturing sector has contracted by about 25,000 jobs.[6] In the first seven months of the 1998/99 fiscal year, total employment was up by only 0.4 per cent as compared to the previous fiscal year, continuing the trend of modest growth.[7]

13. Puerto Rico's budget for 1998/99 was $US 19.6 billion, up from $US 15 billion in 1997/98. Available funds will be increased further by the United States Congress's recent decision to raise Puerto Rico's share of United States rum-tax revenues from US$ 10.50, per

gallon sold, to US$ 13.25. Concerning inflation, official data show an average 5.2 per cent increase in 1998/99, as supplies of food — which figure prominently in the local consumer price index — were hindered by hurricane Georges.[8]

14. The gross national product (GNP) expanded by 4.2 per cent in fiscal year 1998/99, from 3.1 per cent in 1997/98, primarily owing to the inflow of remittances and other relief funds from the mainland following hurricane Georges, which swept through Puerto Rico in 1998. Government infrastructure expenditures, along with incentives for tourism and low-income housing development, are fuelling the construction sector. Accordingly, the Government has invested approximately $1 billion annually in recent years in such infrastructure projects.[9]

15. A new increase in the United States federal minimum wage, which is likely to rise to $6.15 per hour from the current $5.15 per hour, has been received with disfavour among Puerto Rican employers. Because a relatively sizeable percentage of Puerto Rican workers earn the minimum wage, the impact of United States minimum wage legislation is very strong in Puerto Rico. Labour-intensive industries on the island, such as the apparel and clothing industries, have already been experiencing the economic effects of the competition from low-wage locations such as Mexico, which is free to export to the United States and to Puerto Rico under the terms of the North American Free-Trade Agreement (NAFTA). Furthermore, the majority of public sector employees in Puerto Rico's municipalities are paid the minimum wage.[10]

16. According to forecast reports of the Economist Intelligence Unit, higher interest rates and rising petroleum prices are expected to contribute to a moderate slowing of private economic activity: hence, GNP growth in Puerto Rico is expected to slow to around 2.5 per cent in 1999/00 and by a slightly lower rate again in 2000/01.[11]

III. Recent developments

A. Political developments

17. In Puerto Rico's Executive Branch, the governor is elected for a four-year term by the people. Pedro Juan Roselló González of the ruling Partido Nuevo Progresista (PNP) has served as the island's Governor for two consecutive terms starting in 1993.[12] Puerto Rico's Legislative Assembly has two chambers: the Chamber of Representatives and the Senate. The Chamber of Representatives now has 54 members, elected for a four-year term, 40 elected in single-seat constituencies, 11 at large by proportional representation and 3 to allow the opposition to have one third of the seats. The Senado (Senate) has 28 members, elected for a four-year term: 16 members elected in two-seat constituencies, 11 at large by proportional representation and 1 to allow the opposition to have one third of the seats.[13]

18. In the period since last year's in-depth report by the Special Committee, only one primary election has been held in Puerto Rico. On 5 November 1999, primaries were held in which voters picked 95 mayoral candidates and 103 legislative candidates — including candidates for Puerto Rico's non-voting seat in the United States Congress — to determine the candidates for the general election scheduled for November 2000.

19. The two dominant political parties within which these candidates were chosen are the PNP and the Partido Popular Democrático (PPD). The latter, which opposes all efforts for statehood, is trying to unseat Governor Roselló's PNP in the forthcoming general election. There were no gubernatorial primaries, however. Then-Secretary of Transportation and Public Works, Carlos Pesquera, and San Juan Mayor Sila María Calderón, were nominated unopposed by the ruling PNP and the opposition PPD, respectively. A third political party, the Puerto Rican Independence Party (PIP), did not hold primaries either; instead, a general assembly held by the party in the summer of 1999 ratified the election slate, headed by then-Senator Rubén Berríos-Martínez as the gubernatorial nominee.[14]

20. Two types of human rights issues concerning Puerto Rico have been previously brought before the Special Committee. The first relates to the presence of United States military forces on the island of Vieques (see paras. 24-30), which some petitioners to the Special Committee have claimed impedes the exercise of self-determination.

21. The second issue has concerned the imprisonment of 15 Puerto Rican prisoners in the United States accused of seditious conspiracy and weapons possession. The prisoners were members of the Armed Forces of National Liberation (FALN) and the

Macheteros, two clandestine revolutionary organizations that advocate Puerto Rico's independence from the United States. In past years, the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners, and a number of political, civic and religious leaders claimed that the prisoners, most of whom were detained 18 years ago for political crimes, received disproportionately high sentences. There was a growing consensus, which included former presidents of the Puerto Rican Bar Association, religious organizations and representatives of all political ideologies, that these prisoners should be released in the interests of human rights.[15]

22. In August 1999, United States President Bill Clinton offered amnesty to the prisoners, on condition that they formally renounce violence and refrain from associating with convicted felons.[16] On 9 September 1999, it was reported that 11 of the prisoners had accepted the clemency deal. A twelfth prisoner, jailed in connection with additional crimes, accepted a deal that would free him in five years.[17]

23. A third major human rights-related concern has developed around the United States Government's pursuit of the death penalty in the United States District Court in San Juan in the cases of 13 Puerto Ricans. Puerto Rico banned capital punishment in 1929, and the Commonwealth's Constitution approved in 1952 expressly prohibits the death penalty. The United States Congress passed laws reinstating the penalty for drug kingpins in 1984, and extended its reach still further to punish 60 crimes by 1992. Although five of these cases have ended with pleas for dismissals, eight remain pending before the District Court. These figures place Puerto Rico among the highest per capita federal death penalty defendants of any state or territory, surpassed only by Washington, D.C., Virginia and New Mexico. Anti-death penalty advocates have argued this form of punishment to be unjust in Puerto Rico, since it is prohibited by the Constitution and voters lack voting representation in the United States Congress.[18]

B. Military developments

24. Puerto Rico has an important military-strategic position in the Caribbean as part of the United States Southern Command. Its military importance for the United States has recently heightened, owing to the formal transfer of the Panama Canal Zone to the Republic of Panama on 31 December 1999[19] and the subsequent relocation of the headquarters of United States Army South from Panama to Fort Buchanan in Puerto Rico.[20]

25. In addition, in 1941 the United States has maintained military installations on the island of Vieques, two thirds of which is owned by the United States Navy. The Western portion serves as an ammunition storage area, while the Eastern portion, Camp Garcia, is used for carrying out bombing and amphibious manoeuvres. The approximately 9,300 local residents live in the area between the two portions. The Navy's facilities on Vieques occupy the largest area in the Western Hemisphere for such exercises with live ammunition, and the only place where bombing occurs near a large civilian population.[21] In recent years, grass-roots groups and environmental organizations have increased their protests against the Navy's presence on Vieques, alleging abnormally high rates of cancer, among other adverse health effects in the area, as a possible result of toxic materials released by the bombs exploded on the island. On 19 April 1999, a 500-pound bomb missed its target during a live exercise, killing one Puerto Rican and injuring three others. According to press reports, hundreds of Puerto Ricans protested the military's presence on the island in the wake of the accident and the Governor sent a letter to the President of the United States requesting that the exercises be halted.[22] According to press reports, shortly afterwards, the Navy admitted that, in February 1999, it had mistakenly fired 263 rounds of bullets made from depleted uranium, the use of which was strictly prohibited on the range.[23]

26. On 11 June, at the behest of President Clinton, the United States Department of Defense announced the formation of a special panel to evaluate the need for continued use of live ordnance on Vieques. Chaired by the Principal Deputy Assistant Secretary of Defense for Force Management Policy, Frank Rush, the Special Panel for Military Operations in Vieques held a number of open meetings throughout July and August, and travelled to the island in order to study all aspects of the issue.[24] Specifically, the Panel was asked to: determine the need for the Vieques range and the continued use of live ordnance there; explore whether there are viable alternative locations; study environmental, health and economic impacts on the island; and consider Puerto Rican views. Secretary of

the Navy Richard Danzig also directed the immediate cessation of the use of all live and inert ordnance at Vieques during the period of the comprehensive review. In addition, the Deputy Assistant Secretary of the Navy (Conversion and Redevelopment) was asked to suggest ways to improve the Department of the Navy's fulfilment of the 1983 memorandum of understanding with the Government of Puerto Rico on operations at and assistance to Vieques. The 1983 memorandum of understanding committed the Department of the Navy to strive to better the welfare of those who reside on Vieques by working with commonwealth agencies and groups to seek grants, start-up funds and other financial assistance from federal agencies to support economic development on the island.[25]

27. According to news reports from August 1999 to January 2000, demonstrations continued, despite ongoing negotiations between the United States Government and Puerto Rican officials. On 31 January 2000, in consideration of the Panel's findings,[26] and following an extended period of negotiations, President Clinton announced a new course of action that would enable Puerto Ricans to choose between two policy alternatives to determine the fate of United States military training exercises on the island. A referendum has been scheduled for 1 May 2001, or 270 days prior to or following that date, so that the people of Vieques may cast their votes on the matter.[27] If they choose the first alternative, President Clinton has issued a directive that the United States Navy will cease all training on Vieques and leave the island by 1 May 2003. If the majority chooses the second alternative, training will continue on Vieques on terms that will be presented in detail at least three months before the vote (see annex II for the text of the Presidential directive).[28]

28. President Clinton has ordered that, during the period leading up to the vote, the training done on Vieques is to be limited to non-explosive ordnance. He has also directed the Navy and Marine Corps to cut in half the amount of time they will spend training, which will be limited to a maximum of 90 days in 2000. In order to redress the problems caused by past training, the President has made a commitment to implement measures to meet the health, safety, environmental and economic concerns of the people of Vieques. Those measures include the positioning of United States Navy ships to reduce noise; the development of a new ferry pier and terminal; the creation of a new commercial fishing area; temporary compensation for fishermen; the expansion and improvement of roads; a bioluminescent bay preservation programme; a job-training programme for young people; providing land to extend the airport runway; and the carrying out of a public health services study. Finally, President Clinton has asked Congress to begin transferring the title of 110 acres of land on the western quarter of the island to Puerto Rico.[29]

29. On 21 February 2000, it was reported that as many as 150,000 people assembled in San Juan to protest the United States Navy's offshore bombing manoeuvres from its base in Vieques. Specifically, demonstrators marched to express their dissatisfaction with the accord reached between President Clinton and Puerto Rican Governor Pedro Roselló that permits continued United States military training exercises until the referendum is held in 2001.[30]

30. Throughout the period under review, groups from a broad representation of Puerto Rico's civil society have undertaken civil disobedience exercises in Vieques by setting up camp sites inside military grounds and, specifically, in the firing range area. The purpose of the actions has been to prevent the United States Navy from conducting further military exercises. One of the sites, set up in May 1999, was that of the Puerto Rican Independence Party, whose President and gubernatorial candidate, Rubén Berríos, vowed to remain in the restricted area until the Navy withdrew from the island. A year later, on 4 May 2000, United States marshals and federal agents removed all 216 persons from the area. Among those detained were two Democratic Party members of the United States Congress, Representatives Luis Gutiérrez and Nydia Velázquez,[31] and gubernatorial candidate Berríos. Four days after the occupation was ended, the Navy resumed air-to-ground training exercises on Vieques, using dummy bombs.[32] In spite of the arrests made on 4 May, people from all sectors of society have continued to defy the prohibition on entering military installations. As at 1 June, the total number of people that had been arrested was 316.[33] Many of those initially arrested have returned to the sites, thus sustaining the protest movement and creating a logjam in the federal courts. So far, sentences for trespassing have been limited to several hours in federal holding cells.

C. Crime prevention

31. Puerto Rico's geographic location makes it particularly susceptible to being used as a trans-shipment point for drugs. In the late 1980s, narcotrafficking escalated in Puerto Rico, bringing with it a dramatic increase in violent crime and illegal drug use. This, in turn, has influenced the incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS): the Territory has one of the highest AIDS incidence rates in the United States, 53.3 cases per 100,000 inhabitants, about 65 per cent of which are injection-related).[34] Together with the United States Virgin Islands, Puerto Rico is considered a high-intensity drug-trafficking area, particularly as regards the importation of cocaine and heroin en route to the United States. Just after resigning as Puerto Rico's Attorney General, José Fuentes Agostini told the House Committee on Government Reform, during a hearing in January 2000, that the island's anti-drug efforts had been stymied by an overburdened federal court system and shortages in personnel and response equipment. Owing to these limited capabilities, Puerto Rican authorities had been unsuccessful in deterring drug suppliers from Colombia and the Dominican Republic.[35] According to the United States Department of Justice's Drug Enforcement Administration (DEA), those cartels smuggle the drugs into Puerto Rico in "go-fast" boats, and repackage and ship them to the continental United States by way of containerized maritime cargo ships or routine commercial air flights.[36]

32. In further testimony before the House Committee, a DEA official from the San Juan field division not only echoed those challenges but outlined the United States Government's major initiatives and enforcement operations to combat these drug-trafficking activities. Those efforts include several specialized task forces, a more sophisticated drug intelligence and communications system and strengthened cooperation with law enforcement operations in the region.[37]

IV. Previous action taken by the United Nations

A. General

33. Information on action taken by United Nations bodies with respect to Puerto Rico prior to 1974 is contained in the 1973 report of the Rapporteur (A/AC.109/L.976). Information on action taken between 1974 and 1985 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 7 September 1976 concerning Puerto Rico (A/AC.109/L.1191 and Add.1), covering the period from 1974 to 1976; the report of the Rapporteur on the implementation of the Committee's resolution of 12 September 1978 concerning Puerto Rico (A/AC.109/L.1334 and Add.1-3), covering the period from 1977 to 1978; the report of the Rapporteur submitted in pursuance of the Special Committee's resolution of 20 August 1981 concerning Puerto Rico (A/AC.109/L.1436), covering the period from 1979 to 1981; and the report of the Rapporteur submitted in pursuance of the Special Committee's decision of 23 August 1984 concerning Puerto Rico (A/AC.109/L.1572), covering the period from 1981 to 1985. Information on action taken between 1984 and 1998 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 11 August 1998 concerning Puerto Rico (A/AC.109/1999/L.13). Supplementary information on action taken during 1999 is set forth below:

B. Action taken by the Special Committee

34. At its 11th and 12th meetings, on 6 July 2000, the Acting Chairman drew attention to an aide-mémoire containing a list of organizations that had requested to be heard by the Committee concerning the item, as well as to a report prepared by the Rapporteur of the Special Committee on the item. At the same meetings, the Special Committee agreed to accede to those requests and heard representatives of the organizations concerned (see A/AC.109/1999/CRP.4).

35. At the 11th meeting, on 6 July 1999, a statement was made by Governor Pedro Roselló. At the same meeting, statements were also made by Licenciado Eduardo Villanueva Muñoz, on behalf of the Colegio de Abogados de Puerto Rico; Reverend Eunice Santana, on behalf of the Commission of Churches on

International Affairs; Jorge Farinacci García, on behalf of the Frente Socialista; Juan Mari Brás, on behalf of the Causa Común Independentista-Proyecto Educativo; Fernando Martín, on behalf of the Puerto Rican Independence Party; Ismael Guadalupe, on behalf of the Comité Pro Rescate y Desarollo de Vieques; Wilfredo Santiago-Valiente, on behalf of Statehooders Organization of New York, Inc.; Wilma Reveron Collazo, on behalf of the Congreso Nacional Hostosiano; Nilda Luz Rexach, on behalf of the National Advancement for Puerto Rican Culture; and Marisol Corretjer, on behalf of the Partido Nacionalista de Puerto Rico (see A/AC.109/1999/SR.11).

36. At the 12th meeting, statements were made by José I. Adames, on behalf of Al Frente, Salvador Vargas, Jr., on behalf of Concerned Puerto Rican Americans, José J. Rivera, on behalf of Estadidad 2000, Lolita Lebrón, on behalf of Puerto Rico, Mi Patria, Vanessa Ramos, on behalf of the Asociación Americana de Juristas, Olga V. Pabon Cintron, on behalf of Gran Oriente Nacional de Puerto Rico, Julio A. Muriente Pérez, on behalf of Nuevo Movimiento Independentista Puertorriqueño, J. M. Rivera-Arvelo, on behalf of U.S. Statehood, Inc., Martín Koppel, on behalf of the Socialist Workers Party in the United States, and Zoé Lugo-Mendoza, on behalf of the Vieques Support Campaign (see A/AC.109/1999/SR.12).

37. At the 11th and 12th meetings, the representatives of Fiji, Côte d'Ivoire, Cuba and Iraq, as well as the Chairman, posed questions to some of the petitioners (see A/AC.109/1999/SR.11).

38. At the same meeting, a statement on a point of order was made by the representative of Cuba (see A/AC.109/1999/SR.11).

39. At the 12th meeting, the representatives of Côte d'Ivoire and Cuba posed some questions to some of the petitioners (see A/AC.109/1999/SR.12).

40. At the same meeting, statements on a point of order were made by the representatives of Côte d'Ivoire and Cuba (see A/AC.109/1999/SR.12).

41. Also at the same meeting, the Rapporteur of the Special Committee introduced the report he had prepared on Puerto Rico (see A/AC.109/1999/L.13).

42. At the 12th meeting, the representative of Cuba introduced draft resolution A/AC.109/L.6, to which he made an oral revision (see A/AC.109/1999/SR.12). At the same meeting, the representative of Bolivia made a further amendment to the revision introduced by the representative of Cuba (see A/AC.109/1999/SR.12). Statements were made by the representatives of Chile, Papua New Guinea, the Russian Federation, Cuba, Côte d'Ivoire, the United Republic of Tanzania, Bolivia and Sierra Leone and by the Chairman (see A/AC.109/1999/SR.12).

43. At the same meeting, the Committee adopted draft resolution A/AC.109/1999/L.6, as orally revised, by a roll-call vote of 12 votes to none, with 5 abstentions (see A/AC.109/1999/SR.12).

44. After the vote, the representative of Venezuela made a statement of explanation of vote (see A/AC.109/1999/SR.12). The Acting Chairman made statements (see A/AC.109/1999/SR.12).

45. Resolution A/AC.109/1999/28 was adopted by the Special Committee at its 12th meeting, on 6 July 1999. It read as follows:

"*The Special Committee*,

"*Bearing in mind* the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

"*Considering* that the decade of the 1990s was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the seventeen resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

"*Recalling* that 25 July 1999 marks the one hundred and first anniversary of the intervention in Puerto Rico by the United States of America,

"*Recalling* the diverse initiatives taken by the political representatives of Puerto Rico and the United States in the past ten years, which have not expedited the process of decolonization of the people of Puerto Rico,

"*Aware* that Vieques Island, Puerto Rico, has been used for over fifty years by the United States Marines to carry out military manoeuvres, thus limiting access by the civilian population to

a space scarcely a quarter of the island, and having an impact on the health of the population, the environment and the economic and social development of the Territory,

"*Noting* the consensus among the Puerto Rican people on the urgency to halt military manoeuvres on Vieques Island and on the return of occupied land to the people of Puerto Rico,

"*Also noting* the consensus among the people of Puerto Rico in favour of the release of Puerto Rican prisoners who, for more than fifteen years, have been serving sentences in United States prisons on cases related to the struggle for Puerto Rico's independence,

"*Having heard* statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

"*Having considered* the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico (A/AC.109/1999/L.13),

"1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

"2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity;

"3. *Reaffirms its hope*, and that of the international community, that the Government of the United States of America will assume its responsibility of expediting a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee on Puerto Rico;

"4. *Encourages* the Government of the United States, in line with the need to guarantee to the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order the halt of its armed forces military drills and manoeuvres on Vieques Island and to return the occupied land to the people of Puerto Rico;

"5. *Expresses the hope* that the President of the United States will consider favourably the request before him to release the Puerto Rican prisoners serving sentences in United States prisons on cases related to the struggle for the independence of Puerto Rico;

"6. *Notes with satisfaction* the report prepared by the Rapporteur (A/AC.109/1999/L.13), in compliance with its resolution of 11 August 1998;[38]

"7. *Requests* the Rapporteur to report to the Special Committee in 2000 on the implementation of the present resolution;

"8. *Decides* to keep the question of Puerto Rico under continuous review."

C. Action taken by the General Assembly

46. During the forty-fourth session of the General Assembly, no draft resolution was submitted on this issue to the Assembly for action. Introducing the report of the Special Committee at the 71st meeting of the General Assembly on 6 December 1999, the Rapporteur of the Special Committee stated:

> "This year, the Special Committee, pursuant to its decision of 11 August 1998 concerning Puerto Rico, considered a report on this issue and adopted resolution A/AC.109/1999/28. By the terms of its resolution, the Special Committee reaffirmed the hope that the Government of the United States of America will expedite a process that will allow the people of Puerto Rico to fully exercise their inalienable right to self-determination and independence, in conformity with resolution 1514 (XV) and resolutions and decisions of the Special Committee on Puerto Rico. It also encouraged the Government of the United States to order the halt of its armed forces military drills and manoeuvres on Vieques island and to return the occupied land to the people of Puerto Rico."[39]

V. Question of political status: views of the parties concerned

47. A detailed account of developments pertinent to the question of political status prior to the period under review are contained in the following reports for the corresponding periods: A/AC.109/L.1334, paragraphs 57 to 82 (1959-1979); A/AC.109/L.1436, paragraphs 67 to 81 (1979-1982); and A/AC.109/L.1572, paragraphs 73 to 120 (1982-1985). The Rapporteur's previous in-depth report on Puerto Rico (A/AC.109/1999/L.13, paras. 169-180) covered the period from 1985 to 1998 and provided details on the general elections of 1988, 1992 and 1996, and on the two status plebiscites held in 1993 and 1998.

A. United States of America

48. Since 1953, the United States has maintained a consistent position regarding the status of Puerto Rico and the competence of United Nations organs to examine that status. By resolution 748 (VIII) of 27 November 1953, the General Assembly released the United States from its obligations under Chapter XI of the Charter of the United Nations. Since then, the United States has maintained that Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and democratically to enter into a free association with the United States and is, therefore, as stated explicitly in resolution 748 (VIII), beyond the purview of United Nations consideration. At the fifty-first session of the General Assembly, the representative of the United States stated in the Fourth Committee that the political status of Puerto Rico had been examined at repeated plebiscites. The results of those plebiscites had shown that there were few supporters of independence in Puerto Rico. The vast majority of Puerto Ricans supported the status quo, which meant that the issue had no bearing on the work of the Committee.[40]

49. On 27 February 1997, a bill (House resolution 856, also known as the "Young bill" after its sponsor, Don Young) was introduced in the United States Congress in relation to the proposed 1998 plebiscite in Puerto Rico. If passed, the bill would have required the President of the United States to develop and submit to Congress for approval a transition plan of not more than 10 years, which would lead to full self-government for Puerto Rico. If the plebiscite indicated a majority approval for statehood, the bill would have required the aforementioned transition plan, *inter alia*, to include the effective date of Puerto Rico's incorporation into the United States within 10 years. The Young bill thus effectively bound the United States Government to the results of the plebiscite. The Act was adopted by the House of Representatives on 4 March 1998 by a vote of 209 to 208. However, it was not acted upon by the Senate before the end of the session of Congress and thus expired.

50. Despite the failure of Congress to bind the United States Government to the results, the plebiscite was held as scheduled on 13 December 1998, with 71 per cent of the electorate participating. The results were as follows: 50.4 per cent for "none of the above", 46.7 per cent for statehood, 2.3 per cent for independence, 0.3 per cent for free association, and 0.06 per cent for commonwealth status. Upon announcement of the results of the 1998 plebiscite, President Clinton said that he would work with Congress and Puerto Rico's leaders "to enable Puerto Ricans to clarify their choice among the options" and said that he remained "committed to implementing a majority choice for Puerto Rico's future status".[41]

51. Additional background information on the views and positions of the United States since 1953, including perspectives offered by officials of the legislative branch and decisions of the judicial branch of the United States Government, is reflected in the report for 1999 (A/AC.109/1999/L.13).

B. Puerto Rico

52. In March 2000, the Special Committee addressed identical letters to several political parties in Puerto Rico, as well as certain organizations that had previously communicated with the Special Committee on the subject, inviting them to transmit to the Rapporteur their views on developments related to Puerto Rico which have taken place since last year's report (see annex I for a list of the organizations contacted). A similar letter was sent to the Representative of the United States to the United Nations requesting that country's views on such developments.

53. The texts of the replies received are presented below.

54. On behalf of the Ateneo Puertorriqueño, Eduardo Morales Coll, President of the institution, wrote:

> "Puerto Rico still has two problems, very intimately related, but separate problems: (a) its final political status; and (b) its colonial status. As long as United States and Puerto Rican politicians insist on solving our colonial problem by first deciding the final political status problem, neither of the two problems will ever be solved. It is obvious that there is no consensus and that Puerto Ricans will forever be divided on their preferences for a final political status. It is also obvious that there will never be a vote with a substantial majority in favor of any political status alternative, at least for many years to come.
>
> "Meanwhile, it is against the Charter of the United Nations and against resolution 1514 (XV) (among others), that the United States continues to exercise political power over its Puerto Rican colony. The United States is illegally and immorally taking advantage of this situation to perpetuate its actual imperial-colonial relationship with Puerto Rico. The situation appears to be a no-exit cubbyhole, but it is not. The solution can be found in deciding what should be done first, between solving the colonial power problem and solving the final political status problem. I think the colonial problem should be solved first, and I follow with my how and why. The colonial problem must be solved first by urging the United States to recognize the full sovereignty of the Puerto Rican people. This recognition can be unilaterally made by the United States upon reasonable terms, in an all-encompassing plan to be supervised by the United Nations. The plan should include, among other things, a mechanism to eventually solve the Puerto Rican final political status problem, such as the following: as soon as Puerto Rico is in full enjoyment of its sovereignty, then the United States can give our people a specific time to come to Congress with a proposition for statehood, for free association or for any other alternative. By that time, the colonial situation will already have been solved and we should only be moving towards defining our final political status. If no proposition for statehood, free association or any other proposition is brought to Congress within the time given, or if any such proposition is brought but not accepted by Congress, then independence becomes final and both the colonial and the final political status problems will have been solved. If any one of such propositions for statehood, free association or other is adopted in Puerto Rico and brought to Congress within the given time limit and is accepted by Congress, then the proposition adopted and accepted becomes final and, again, both the colonial and the final political status problems will also have been solved.
>
> "Prior transfer of sovereignty to Puerto Ricans is the only road towards solving both problems because it is the only one that grants the flexibility to be changed to a different status to become permanent upon adoption and acceptance. It is also the only manner in which both problems can be solved, even in a situation where nothing happens. Statehood cannot be a transition status that can be changed in the future, even though it may eventually be the solution for both problems. The present commonwealth status may seem, at a first glance, to be a flexible status that could eventually be changed into a final status, but it is, precisely, the colonial status that has taken us nowhere in solving our colonial and final political status problems.
>
> "I have already sent this new perspective to Congress. It is now for them to set the rules to implement it and for the United Nations to exercise its most persuasive efforts so that it will be implemented. I think the United Nations can and should help in this endeavor. Meanwhile, I reaffirm my prior requests to the United Nations that Puerto Rico be brought back to the list of colonial territories for which reports must be filed by States exercising political powers over them."

55. On behalf of the Colegio de Abogados de Puerto Rico, Eduardo Villanueva Muñoz, President of the institution, wrote:

> "... Resolution A/AC.109/1999/28 concerning Puerto Rico, adopted by the Special Committee on Decolonization, approved the liberation of our political prisoners and the withdrawal of the United States Navy's military intervention from Vieques without any more bombing. It also recognized the legitimate right of Puerto Rico to self-determination. Since June

1999, those parts of the resolution mentioned above have not been implemented in full for the following reasons:

"(a) There are still five Puerto Rican political prisoners in federal jails in the United States. The United States Government has not expressed any intention to free them;

"(b) In relation to the issue of Vieques, as part of the White House resolution, the President intends to hold a referendum among the Vieques residents with only two alternatives, both including the continuance of bombing on the island;

"(c) The federal Government has the intention to implement capital punishment for 10 Puerto Rican prisoners in the federal prison on Puerto Rico, through federal legislation, even though capital punishment is prohibited by our Constitution.

"Public opinion in Puerto Rico is against the implementation of capital punishment and forcefully requests the immediate withdrawal of the United States Navy from Vieques. Public opinion regarding Vieques was clearly manifested on 21 February 2000 in one of the largest civic demonstrations in Puerto Rican history, by the indisputable consensus in favor of peace and the permanent end to military practices on the island. The United States Government is still violating Puerto Rico's right to self-determination in all its internal issues. With these actions, the United States Government also violates several international treaties which recognize that the Commonwealth of Puerto Rico has the right of self-determination. This attitude is reflected in recent United States Supreme Court decisions in which Puerto Rico is considered a territory of the United States."

56. On behalf of the Partido Nacionalista de Puerto Rico, Linda Backiel listed four issues of concern:

"1. ... Vieques remains captive to United States military forces. On 31 January 2000, United States President Clinton rejected the principal demand of the people of Puerto Rico regarding the use of the island municipality of Vieques for military purposes. Non-self-executing "Presidential directives" establish: (a) a minimum of three more years of bombing with "inert" weapons, limited to 90 days a year, in exchange for a request for Congressional authorization of $40,000,000 for infrastructure improvements and the return of 8,000 cuerdas of land; (b) a referendum on continued Navy bombing, after its resumption.

"The referendum, to be scheduled by the Navy, is incompatible with the announced public policy of Puerto Rico requiring the immediate and permanent cessation of military training in Vieques and the return of all Vieques land claimed by the Navy. It will offer (a) an end to the bombing within three more years, or (b) indefinite bombing of Vieques with "live" weapons, for an additional $50,000,000. The Navy acknowledges that the referendum was designed to improve its chances of keeping what it calls its "crown jewel"— the Vieques "Atlantic Weapons Training Field" — which it maintains is "indispensable" to the national security of the United States.

"Close to a quarter of a million Puerto Ricans marched in protest in what Police Superintendent Pedro Toledo recognized was the largest march in Puerto Rico's history. Between 100 and 200 people remain camped in over a dozen camps within the Navy-occupied bombing range set up by residents of Vieques, labor unions, the Catholic diocese responsible for Vieques, and others.

"2. A Chief of the Federal Bureau of Investigation (FBI) admits violation of the rights of Puerto Ricans. In response to questions from the Mayagüez-born United States Congressman José Serrano, FBI Director Louis Freeh admitted that his agency had used illegal and violent tactics in its "dirty war" against Puerto Rican *independentistas*. He nonetheless referred only to the discredited "COINTELPRO" programme, which was officially discontinued at the end of the 1970s after its existence was made known by a group of North American anti-war activists.

"Freeh could not answer Serrano's questions about whether the FBI was also responsible for the radiation torture of Puerto Rico's most revered patriot, Pedro Albizu Campos, while he was jailed for his role in the independence

struggle between 1936 and 1964. Nor did he shed any light on the assassinations of the son of independence leader, attorney Juan Mari Bras, Carlos Muñiz Varela or Angel Rodríguez Cristobal, who was murdered while jailed in Tallahassee, Florida, for his participation in peaceful protests against the military occupation of Vieques.

"3. Political prisoners remain to be freed. The people of Puerto Rico rejoiced at the news of the release of 10 of the nation's 16 political prisoners, while denouncing the 14 rigid conditions imposed on them. These included forbidding two sisters who had been together in jail see each other upon release and requirements that all sign documents disavowing armed struggle and that those released provide urine samples on demand and allow federal parole officers into their homes unannounced at any hour of the day or night.

"Still jailed are Oscar López Rivera, Haydee Beltrán, Carlos Alberto Torres, Juan Segarra Palmer and Antonio Camacho Negrón. Camacho and López rejected offers of conditional clemency. Segarra Palmer accepted, but will not be eligible for release for another five years. Torres' clemency petition was denied, and Beltrán did not apply.

"The case of Professor José Solís Jordán is presently on appeal following a verdict last year by a jury from which prosecutors systematically eliminated Latinos. The verdict was based upon the word of an alleged accomplice who was never charged with any offence and who received over $118,000 for his testimony. The appeal, which is presently pending, argues that the conviction violates peremptory norms of international law.

"4. San Juan as the death-penalty capital. The San Juan United States Attorney's office has sought authorization for capital punishment of 13 Puerto Ricans in the United States District Court in San Juan, making it one of the five cities with the largest number of such cases, behind jurisdictions in New York, Texas, Virginia and New Jersey. Puerto Rico's Constitution prohibits this fundamental violation of a citizen's right to life and security, demonstrating once again the devastating effect of colonialism on human rights."

57. On behalf of the Partido Popular Democrático (PPD), Sila M. Calderón, President of the Party and its candidate for Governor, wrote:

"With regard to the situation in Vieques, we still do not have a solution to this terrible situation. I applaud the efforts by the Special Committee on Decolonization to convince the United States to cease dangerous military manoeuvres in this small island. I am hopeful that just as the President reacted favorably to the Special Committee's petition — and that of countless others — to release the pro-independence political prisoners, he will hear the Special Committee's call on the issue on Vieques.

"President Clinton made significant progress when he recognized that the United States Navy had to leave Vieques, but the solution he proposed will still have the Navy training in Vieques for three more years, albeit with inert ordnance only. I have written to the President requesting that the people of Vieques be given the opportunity, as soon as possible, to vote on whether they want the Navy to remain in Vieques. The President has reaffirmed his position that the Navy must use Vieques for three more years, but the rationale of this position becomes less and less tenable as time goes by and the United States Navy is able to prepare its forces without using Vieques.

"While we recognize that the Navy training in Puerto Rico is essentially a domestic matter, we believe that whenever human rights and the dignity of men and women are at issue, international organizations such as the United Nations should become involved. Accordingly, I request that the Special Committee on Decolonization give its strongest condemnation to the continuance of military practices in Vieques.

"With regard to Puerto Rico's political status, I believe that any action by the United Nations must begin with a recognition that after the Constitution of the Commonwealth of Puerto Rico came into effect as part of a compact between the people of Puerto Rico and the United States, the General Assembly approved in 1953 resolution 748 (VIII), recognizing that Puerto

Rico had achieved 'the status of self-government ... of an autonomous political entity', which warranted removing Puerto Rico from the list of non-self-governing territories. That removal was subsequently ratified in 1963 when the General Assembly approved a revised list of territories to which resolution 1514 (XV) of 1960 applied, and the Commonwealth of Puerto Rico was not included as part of that list. Since it has never been repealed or revoked, resolution 748 (VIII) remains in full force and effect.

"Resolution 748 contains an assurance that the United States will give due regard to the will of the Puerto Rican people in the eventuality they desire 'any change in the terms of the association'. There is no doubt that over the years, the United States has been less than fully responsive in addressing legitimate desires for change from Puerto Rico. The Decolonization Committee should recognize, however, that over the last seven years, the problem has not been the United States, the problem has been the pro-annexation Government in Puerto Rico, which has attempted to thwart the will of the Puerto Rican people on several occasions by forcing processes designed to give the annexation option an artificial boost. This has not worked, of course, and the people of Puerto Rico have continued to reject federated statehood as an option. Self-determination is a two-way street. If the Government of the Commonwealth of Puerto Rico does not act in ways that are consonant with a self-determination process that respects all political parties, we can hardly blame the United States Government for its inaction.

"In evaluating the events over the last year, the Decolonization Committee should also recognize that we are approaching elections this year in both Puerto Rico and in the United States, where there will be new Governments elected regardless of the outcome. Accordingly, it would not be useful to revisit the political status issue during this electoral year. If I am elected Governor in November, I intend to engage the people of Puerto Rico in a quest, through a procedural consensus among the three political parties in Puerto Rico, the new President and the Congress, for resolving this issue. My advice to the Decolonization Committee at this point would be to limit its review of the situation in Puerto Rico to the Vieques issue."

Notes

[1] Ivonne Acosta, *La Mordaza: Puerto Rico, 1948-1957* (Rio Piedras, Editorial Edil, 1989), p. 13.

[2] The United States Congress made ratification of the Puerto Rican Constitution conditional on the elimination of section 20 of the proposed bill of rights. Section 20 recognized, *inter alia*, rights to social protection in the event of unemployment, sickness, old age or disability, the right to obtain work, the right to an adequate standard of living and the rights of mothers and children to special care and assistance. José Trias Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997), pp. 114 and 117.

[3] The Economist Intelligence Unit, Country Profile, Puerto Rico 1998-1999.

[4] The Economist Intelligence Unit, "Puerto Rico Economy: Business Outlook", November 1998.

[5] *Oxford Analytica*, 5 May 2000.

[6] The Economist Intelligence Unit, Country Briefing, "Puerto Rico Economy: Growth Despite Manufacturing Slump", 24 November 1999.

[7] The Economist Intelligence Unit, Country Briefing, 12 August 1999.

[8] Ibid., 24 November 1999.

[9] Ibid., 12 August 1999.

[10] The Economist Intelligence Unit, "Puerto Rico: Country Outlook", 18 February 2000.

[11] *World Outlook*, Economist Intelligence Unit Views Wire, 20 and 30 December 1999.

[12] *Political Resources on the Net — Puerto Rico*, AgoràTelematica News Service.

[13] Ibid.

[14] Written correspondence with staff of Puerto Rico State Elections Commission.

[15] A/AC.109/1999/L.13.

[16] Press briefing by White House Press Secretary Joe Lockhart, 7 September 1999.

[17] *Royal Gazette*, 9 September 1999.

[18] *Orlando Sentinel*, 26 March 2000.

[19] The White House, Office of the Press Secretary, Statement by the President, 14 December 1999.

[20] *Oxford Analytica*, 5 May 2000.

[21] *Orlando Sentinel*, 24 April 1999.

[22] Ibid., 9 May 1999.

[23] *Newsday*, 7 June 2000.

[24] Memorandum for correspondents No. 136-M, United States Department of Defense, 26 August 1999.

[25] News release No. 292-99, Office of the Assistant Secretary of Defense for Public Affairs, United States Department of Defense, 11 June 1999.

[26] United States Department of Defense news briefing, 7 December 1999.

[27] Remarks by President Clinton to the people of Puerto Rico concerning navy training on Vieques, Office of the Press Secretary, the White House, 1 February 2000.

[28] United States Presidential directive to the Secretary of Defense and Director of Office of Management and Budget, resolution regarding use of range facilities on Vieques, Puerto Rico (referendum), White House Office of the Press Secretary, 31 January 2000 (see annex II for full text).

[29] Ibid.

[30] *Agencia EFE News Service*, 21 February 2000.

[31] *Miami Herald*, 4 May 2000.

[32] *Reuters*, 8 May 2000.

[33] *Reuters*, 1 June 2000.

[34] *Journal of the American Medical Association*, JAMA/HIV/AIDS, vol. 5, No. 3, May/June 99; and Safeworks Aids project, www.safeworks.org.

[35] *Orlando Sentinel*, 7 January 2000.

[36] Drug Enforcement Administration, United States Department of Justice.

[37] Congressional testimony, House Government Reform Committee, 4 January 2000.

[38] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23), chap. I, para. 41.

[39] A/54/PV.71.

[40] See A/C.4/51/SR.4, para. 54.

[41] *Statement by the President*, the White House, Office of the Press Secretary, 14 December 1998.

Annex I

Organizations contacted to provide updated information on self-determination and independence with respect to Puerto Rico

Ateneo Puertorriqueño

Colegio de Abogados de Puerto Rico

Comite Pro Rescate y Desarollo de Vieques

Congreso Nacional Hostosiano

Instituto Caribeño de Acción y Formación Ecuménica

Nuevo Movimiento Independentista Puertorriqueño

Partido Independentista Puertorriqueño

Partido Nacionalista de Puerto Rico

Partido Popular Democrático

Unión Nacional Pro-Patria

Annex II

United States Presidential directive dated 31 January 2000 to the Secretary of Defense and Director of the Office of Management and Budget, Resolution regarding use of range facilities on Vieques, Puerto Rico (referendum)

By virtue of the authority vested in me and in order to further the interests of national security and to address the legitimate interests and concerns of the residents of Vieques and the people of Puerto Rico, I hereby direct the following:

1. The future of Navy training on Vieques will be determined by a referendum of the registered voters of Vieques, using Puerto Rico electoral laws and regulations as they exist as of the date of this directive. This referendum will occur on 1 May 2001, or 270 days prior to or following 1 May 2001, the exact date to be specified on the request of the Department of the Navy. (This specified date and the terms of the referendum must be requested at least 90 days in advance of the referendum.) It is understood that the full implementation of this directive is contingent upon the Government of Puerto Rico authorizing and supporting this referendum, and the cooperation of the Government of Puerto Rico as specified in paragraph 5 (a).

2. This referendum will present two alternatives. The first shall be that the Navy will cease all training not later than 1 May 2003. The second will permit continued training, to include live fire training, on terms proposed by the Navy. Live fire training is critical to enhance combat readiness for all our military personnel and must occur in some location.

3. In the event the referendum selects the option of termination of Navy activities, then

(a) Navy lands on the eastern side of Vieques (including the eastern manoeuvre area and the live impact area) will be transferred with one year of the referendum to the General Services Administration (GSA) for disposal under the Federal Property and Administrative Services Act, except for conservation zones, which will be transferred to the Department of the Interior for continued preservation;

(b) The GSA will supervise restoration of the lands described in section 3 (a) consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) before it is further transferred under the Federal Property and Administrative Services Act, except that the live impact area will be swept for ordnance and fenced to meet the same range standards used after the closure of the live impact area used by Naval Air Station, South Weymouth, Massachusetts. The Government of Puerto Rico may request transfer of the restored lands in accordance with the Federal Property and Administrative Services Act;

(c) Under no conditions will the land described in this section be returned to the Department of Defense or used for military training.

4. In the event the referendum selects the option of continued training submitted by the Navy, the Office of Management and Budget will request congressional funding to further provide for the enhancement of infrastructure and housing on the western portions of Vieques in the amount of $50 million.

5. Between the date of this directive and the referendum, the following will occur:

(a) The Department of Defense and the Government of Puerto Rico will work in cooperation with relevant Federal authorities to ensure that the integrity and accessibility of the range is uninterrupted and that trespassing and other intrusions on the range cease entirely by providing complementary support among Federal and Puerto Rican jurisdictions;

(b) Navy training on Vieques will recommence, but it shall not exceed 90 days per calendar year and will be limited to non-explosive ordnance, which may include spotting devices;

(c) The Navy will ensure that procedures are in place that will enhance safety and will position ships to reduce noise in civilian areas whenever possible;

(d) Before any major training occurs on the range, the Government of Puerto Rico, through its Secretary of State, will be given 15 days notification

under the terms of the memorandum of understanding of 1983;

(e) The Office of Management and Budget will initiate a funding request to the Congress:

(1) To fund a Public Health Service study in coordination with appropriate agencies to review health concerns raised by the residents of Vieques;

(2) To complete the conveyance of 110 acres of Navy property to extend the runway at the Vieques Municipal Airport to accommodate larger passenger aircraft; and for the Navy to provide training and supplemental equipment to bolster the airport fire, safety and resource capability;

(3) To maintain the ecosystem and conservation zones and implement the sea turtle, sea mammal and brown pelican management plans as specified in the memorandum of understanding of 1983;

(f) Within 30 days of this directive, the Navy will submit legislation to the Congress to transfer land on the western side of Vieques surrounding the Naval Ammunition Facility (except 100 acres of land on which the ROTHR and Mount Pirata telecommunications sites are located). The legislation submitted will provide for land transfer not later than 31 December 2000. This transfer will be to the Government of Puerto Rico for the benefit of the municipality of Vieques as determined by the Planning Board of the Government of Puerto Rico. This land shall be restored consistent with CERCLA standards prior to transfer.

6. The Director of the Office of Management and Budget shall publish this directive in the Federal Register.

United Nations A/AC.109/2000/L.4

General Assembly

Distr.: Limited
27 June 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chairman

Dissemination of information on decolonization

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 54/92 of 6 December 1999,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis

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on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, *inter alia*:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above.

United Nations A/AC.109/2000/L.5

General Assembly

Distr. Limited
27 June 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chairman

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 *e* of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 54/83 of 6 December 1999, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 *e* of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

2. *Requests* the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 *e* of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

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3. *Requests* the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. *Decides*, subject to any decision that the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

United Nations A/AC.109/2000/L.6

General Assembly

Distr.: Limited
26 June 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chairman

Question of sending visiting missions to Territories

The Special Committee,

Having considered the question of sending visiting missions to Territories,

Recalling the relevant resolutions and decisions of the General Assembly and the Special Committee requesting the administering Powers to cooperate fully with the United Nations by receiving visiting missions in the Territories under their administration,

Mindful that United Nations visiting missions provide an effective means of assessing the situation in those Territories and of ascertaining the wishes and aspirations of the peoples thereof regarding their future status,

Conscious that United Nations visiting missions enhance the capacity of the United Nations to assist the peoples of Non-Self-Governing Territories in attaining the objectives set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and in other relevant resolutions of the Assembly,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and that, at the invitation of the Government of New Zealand, a visiting mission was dispatched to Tokelau in July 1994,[1]

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar that a visiting mission be sent to Guam, and taking note of resolution No. 464 (LS), adopted by the twenty-third Guam legislature on 19 July 1996, in which it requested the dispatch of a United Nations visiting mission to that Territory,

[1] See A/AC.109/2009.

00-50441 (E) 300600

Welcoming the commencement of informal dialogue between the Special Committee and some administering Powers,

1. *Stresses* the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories;

2. *Calls upon* the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration;

3. *Requests* the administering Powers to consider new approaches in the work of the Special Committee, and calls upon them to cooperate with the Special Committee in its efforts;

4. *Requests* its Chairman to continue consultations with the administering Powers concerned on the implementation of paragraph 2 of the present resolution and to report thereon to the Special Committee as appropriate;

5. *Also requests* its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory.

United Nations A/AC.109/2000/L.7

General Assembly

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27 June 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Fiji and Papua New Guinea: draft resolution

Question of New Caledonia

The Special Committee,

Having considered the question of New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia as exemplified by the signing of the Nouméa Accord of 5 May 1998 between the representatives of New Caledonia and the Government of France;[1]

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony;

[1] A/AC.109/2114, annex.

00-50447 (E) 300600

3. *Notes* the relevant provisions of the Noumea Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

4. *Also notes* the relevant provisions of the Noumea Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

5. *Further notes* the agreement between the signatories of the Noumea Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

6. *Welcomes* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

7. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

8. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Noumea Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Noumea Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Noumea Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zoneco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

14. *Welcomes*, in this regard, the accession by New Caledonia to the status of observer in the South Pacific Forum, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Noumea Accord;

16. *Also decides* to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its fifty-fifth session.

United Nations A/AC.109/2000/L.8

General Assembly

Distr.: Limited
6 July 2000
English
Original: English/French/Spanish

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of the Falkland Islands (Malvinas)

Bolivia, Chile, Cuba and Venezuela: draft resolution

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995, A/AC.109/2062 of 22 July 1996, A/AC.109/2096 of 16 June 1997, A/AC.109/2122 of 6 July 1998 and A/AC.109/1999/23 of 1 July 1999 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

00-52058 (E) 070700

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in the resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. *Reiterates* that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;

2. *Takes note* of the views expressed by the President of the Argentine Republic on the occasion of the fifty-fourth session of the General Assembly;

3. *Regrets* that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. *Requests* the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. *Reiterates its firm support* for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. *Decides* to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

United Nations A/AC.109/2000/L.9

General Assembly

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26 June 2000

Original: English

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Consolidated draft resolution submitted by the Chairman

Questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The Special Committee,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-third session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling General Assembly resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

Expressing its concern that even forty years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

00-50459 (E) 030700

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2000 and the Plan of Action of the International Decade for the Eradication of Colonialism,[1]

Noting the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States and other relevant world conferences,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory,

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[1] See A/46/634/Rev.1 and Corr.1, annex.

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that by holding a Pacific regional seminar at Majuro, Marshall Islands, from 16 to 18 May 2000, it was able to hear the views of the representatives of the Territories, as well as Governments and organizations in the region, in order to review the political, economic and social conditions in the Territories,

Mindful further that in order for it to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Special Committee to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Mindful in this connection that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that some Territories have not had any United Nations visiting mission for a long period of time and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

Recalling its ongoing efforts in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their

right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

3. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

4. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

5. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

6. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. *Requests* the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

8. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

9. *Notes with concern* that the Plan of Action of the International Decade for the Eradication of Colonialism cannot be concluded by the year 2000;

10. *Calls upon* the administering Powers to enter into constructive dialogue with the Special Committee before the fifty-sixth session of the General Assembly to develop a framework for the implementation of provisions of Article 73 of the Charter and the Declaration on the Granting of Independence to the Colonial Countries and Peoples for the period beyond the year 2000;

11. *Notes* the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

12. *Urges* Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

13. *Invites* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

14. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the International Decade for the Eradication of Colonialism;

15. *Decides* to continue its examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-sixth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B

Individual Territories

The Special Committee,

Referring to resolution A above,

I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Taking note with interest of the statement made and the information on the political and economic situation in American Samoa provided by the Governor of American Samoa to the Pacific regional seminar held at Nadi, Fiji, from 16 to 18 June 1998,[2]

Noting that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical facilities and other infrastructural requirements,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including

[2] See A/AC.109/2121, para. 28.

measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

3. *Welcomes* the invitation extended to it by the Governor of American Samoa to send a visiting mission to the Territory;

II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997 and its successor,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

3. *Welcomes* the Country Cooperation Framework of the United Nations Development Programme for the period 1997-1999 currently being implemented following consultations with the territorial Government and key development partners in the United Nations system and the donor community;

4. *Also welcomes* the assessment by the United Nations Development Programme that the Territory has made considerable progress in the domain of sustainable human development and in its sound management and preservation of the environment, which has been incorporated into the National Tourism Plan;

5. *Further welcomes* the assessment by the Caribbean Development Bank in its 1998 report on the Territory that the medium- and long-term economic prospects for Anguilla were favourable;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting also the functioning of the democratic process and the smooth transition of government in November 1998,

Noting further the comments made by the administering Power in its recently published White Paper on Partnership for Progress and Prosperity,[3]

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

3. *Requests* the administering Power to elaborate, in consultation with the territorial Government, programmes specifically intended to alleviate the economic, social and environmental consequences of the closure of the military bases and installations of the United States of America in the Territory;

IV. British Virgin Islands

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 17 May 1999,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

[3] See A/AC.109/1999/1, annex.

V. Cayman Islands

Noting the constitutional review of 1992-1993, according to which the population of the Cayman Islands expressed the sentiment that the existing relations with the United Kingdom should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money laundering and related activities,

Noting the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. *Requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

5. *Welcomes* the implementation of the Country Cooperation Framework of the United Nations Development Programme for the Territory, which is designed to ascertain national development priorities and United Nations assistance needs;

VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to the Non-Self-

Governing Territories, in particular, General Assembly resolutions 54/90 A and B of 6 December 1999,

Recalling further the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Noting the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[4]

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

1. *Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

[4] See A/AC.109/2058, para. 33 (20).

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the people of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in Guam's development;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

VII. Montserrat

Taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the elected representatives of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

Taking note of the statement made by the Chief Minister of Montserrat on 22 May 1998 on the occasion of the observance of the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights,[5]

Noting that the last visiting mission to the Territory took place in 1982,

Noting also the functioning of a democratic process in Montserrat and that general elections were held in the Territory in November 1996,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

[5] See A/AC.109/SR.1486.

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

3. *Welcomes* the support of the Caribbean Community in the construction of housing in the safe zone to alleviate a shortage caused by the environmental and human crisis of the eruption of the Montsoufriere volcano, as well as the material and financial support from the international community to help alleviate the suffering caused by the crisis;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Noting that a Commission of Inquiry into the Constitution appointed at the request of the Legislative Council of St. Helena reported its recommendations in March 1999, and that the Legislative Counsellors are currently considering its recommendations,

Also noting the administering Power's commitment to consider carefully suggestions for specific proposals for constitutional change from overseas territory Governments as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories,[3]

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, and the continuing negotiations to allow access to Ascension Island by civilian charter flights,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Notes* that the administering Power has taken note of various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss them further with the people of St. Helena;

2. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. *Requests* the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory;

X. Turks and Caicos Islands

Taking note with interest of the statements made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Cabinet Minister as well as a member of the legislature from the opposition of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,[6]

Noting that the People's Democratic Movement was elected to power in the Legislative Council elections held in March 1999,

Also noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Invites* the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

[6] See A/AC.109/2089, para. 29.

4. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

5. *Welcomes* the assessment by the Caribbean Development Bank in its 1998 report that the economy continued to expand with considerable output and low inflation;

6. *Also welcomes* the first Country Cooperation Framework approved by the United Nations Development Programme for the period 1998-2002, which should, *inter alia*, assist in the development of a national integrated development plan that will put into place procedures for determining the national development priorities over ten years, with the focus of attention on health, population, education, tourism and economic and social development;

XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

Noting that although 80.4 per cent of the 27.5 per cent of the electorate that voted in the referendum on the political status of the Territory held on 11 October 1993 supported the existing territorial status arrangements with the administering Power, the law required the participation of 50 per cent of the registered voters for the results to be declared legally binding and therefore the status was left undecided;

Noting also the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the Association of Caribbean States,

Noting the necessity of further diversifying the economy of the Territory,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction the interest of the Territory in joining the United Nations International Drug Control Programme as a full participant,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. *Further requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

4. *Expresses concern* that the Territory, which is already heavily indebted, had to borrow 21 million dollars from a commercial bank to carry out its year 2000

computer compliance programme, and calls for the United Nations year 2000 programme to be made available to the Non-Self-Governing Territories;

5. *Notes* that the general elections held in the Territory in November 1998 resulted in the orderly transfer of power;

6. *Expresses concern* that the territorial Government is facing severe fiscal problems, which has resulted in an accumulated debt of more than 1 billion dollars,

7. *Welcomes* the measures being taken by the newly elected territorial Government in addressing the crisis, and calls upon the administering Power to provide every assistance required by the Territory to alleviate the fiscal crisis, including, *inter alia*, the provision of debt relief and loans.

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Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Revised consolidated draft resolution submitted by the Chairman

Questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The Special Committee,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-third session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling General Assembly resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

Expressing its concern that even forty years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

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Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2000 and the Plan of Action of the International Decade for the Eradication of Colonialism,[1]

Noting the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development, the World Conference on Natural Disaster Reduction, the Global Conference on the Sustainable Development of Small Island Developing States and other relevant world conferences,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory,

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[1] See A/46/634/Rev.1 and Corr.1, annex.

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Mindful also that by holding a Pacific regional seminar at Majuro, Marshall Islands, from 16 to 18 May 2000, it was able to hear the views of the representatives of the Territories, as well as Governments and organizations in the region, in order to review the political, economic and social conditions in the Territories,

Mindful further that in order for it to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Special Committee to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Mindful in this connection that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that some Territories have not had any United Nations visiting mission for a long period of time and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

Concerned that, despite efforts by some territorial Governments to achieve the highest standard of financial supervision, the Organization for Economic Cooperation and Development has listed some Non-Self-Governing Territories as harmful tax jurisdictions, having a potentially detrimental effect on the offshore financial sector which is an important component of the economy of those Territories,

Recalling its ongoing efforts in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

3. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

4. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

5. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

6. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. *Requests* the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

8. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

9. *Notes with concern* that the Plan of Action of the International Decade for the Eradication of Colonialism cannot be concluded by the year 2000;

10. *Calls upon* the administering Powers to enter into constructive dialogue with the Special Committee before the fifty-sixth session of the General Assembly to develop a framework for the implementation of provisions of Article 73 *e* of the Charter and the Declaration on the Granting of Independence to the Colonial Countries and Peoples for the period beyond the year 2000;

11. *Notes* the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

12. *Urges* Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

13. *Invites* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

14. *Calls upon* the Organization for Economic Cooperation and Development to engage the concerned territorial Governments in a constructive dialogue with a view to removing them from the list of harmful tax jurisdictions, and requests the administering Power to assist those Non-Self-Governing Territories in resolving this matter;

15. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the International Decade for the Eradication of Colonialism;

16. *Decides* to continue its examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-sixth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B
Individual Territories

The Special Committee,

Referring to resolution A above,

I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Taking note with interest of the statement made and the information on the political and economic situation in American Samoa provided by the Governor of American Samoa to the Pacific regional seminar held at Nadi, Fiji, from 16 to 18 June 1998,[2]

Noting that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical facilities and other infrastructural requirements,

[2] See A/AC.109/2121, para. 28.

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

3. *Welcomes* the invitation extended to it by the Governor of American Samoa to send a visiting mission to the Territory;

II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997 and its successor,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

Noting also that general elections were held on 3 March 2000, resulting in a new coalition government in the House of Assembly,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

3. *Welcomes* the Country Cooperation Framework of the United Nations Development Programme for the period 1997-1999 currently being implemented following consultations with the territorial Government and key development partners in the United Nations system and the donor community;

4. *Also welcomes* the assessment by the United Nations Development Programme that the Territory has made considerable progress in the domain of sustainable human development and in its sound management and preservation of the environment, which has been incorporated into the National Tourism Plan;

5. *Further welcomes* the assessment by the Caribbean Development Bank in its 1999 report on the Territory that, despite economic contraction in the first quarter, the economy rebounded to reach 6 per cent growth during 1999;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting also the functioning of the democratic process and the smooth transition of government in November 1998,

Noting further the comments made by the administering Power in its recently published White Paper on Partnership for Progress and Prosperity,[3]

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

3. *Requests* the administering Power to elaborate, in consultation with the territorial Government, programmes specifically intended to alleviate the economic, social and environmental consequences of the closure of the military bases and installations of the United States of America in the Territory;

IV. British Virgin Islands

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 17 May 1999,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

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[3] See A/AC.109/1999/1, annex.

Noting further that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 27 May 2000 in official ceremonies in Tortola,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

V. Cayman Islands

Noting the constitutional review of 1992-1993, according to which the population of the Cayman Islands expressed the sentiment that the existing relations with the United Kingdom should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation by the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money laundering and related activities,

Noting the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

Noting the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. *Requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of

securing employment for the local population, in particular at the decision-making level;

5. *Welcomes* the implementation of the Country Cooperation Framework of the United Nations Development Programme for the Territory, which is designed to ascertain national development priorities and United Nations assistance needs;

VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to the Non-Self-Governing Territories, in particular, General Assembly resolutions 54/90 A and B of 6 December 1999,

Recalling further the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam had established the process for a self-determination vote by the eligible Chamorro voters,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Noting the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[4]

[4] See A/AC.109/2058, para. 33 (20).

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

1. *Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the people of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in Guam's development;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

VII. Montserrat

Taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the elected representatives of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

Taking note of the statement made by the Chief Minister of Montserrat on 22 May 1998 on the occasion of the observance of the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights,[5]

Noting that the last visiting mission to the Territory took place in 1982,

Noting also the functioning of a democratic process in Montserrat and that general elections were held in the Territory in November 1996,

[5] See A/AC.109/SR.1486.

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have a negative impact upon the economy of the island,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

3. *Welcomes* the support of the Caribbean Community in the construction of housing in the safe zone to alleviate a shortage caused by the environmental and human crisis of the eruption of the Montsoufriere volcano, as well as the material and financial support from the international community to help alleviate the suffering caused by the crisis;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

3. *Calls upon* the administering Power to continue its discussions with the representatives of Pitcairn Island on how best to support their economic security;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Noting that a Commission of Inquiry into the Constitution appointed at the request of the Legislative Council of St. Helena reported its recommendations in March 1999, and that the Legislative Councillors are currently considering its recommendations,

Also noting the administering Power's commitment to consider carefully suggestions for specific proposals for constitutional change from overseas territory Governments as stated in its White Paper on Partnership for Progress and Prosperity: Britain and the Overseas Territories,[3]

Welcoming the participation of an expert from the St. Helena Legislative Council for the first time in the Pacific regional seminar held at Majuro, Marshall Islands, from 16 to 18 May 2000,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production, continuing high unemployment and limited transport and communications, and calls for continuing negotiations to allow access to Ascension Island by civilian charter flights,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Notes* that the administering Power has taken note of various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss them further with the people of St. Helena;

2. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. *Requests* the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

X. Turks and Caicos Islands

Taking note with interest of the statements made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Cabinet Minister as well as a member of the legislature from the opposition of the

Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,[6]

Noting that the People's Democratic Movement was elected to power in the Legislative Council elections held in March 1999,

Also noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

Welcoming the assessment by the Caribbean Development Bank in its 1999 report that the economic performance of the Territory remained strong, with an increase in gross domestic product estimated at 8.7 per cent, reflecting strong growth in the tourism and construction sectors,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Invites* the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

4. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

5. *Welcomes* the assessment by the Caribbean Development Bank in its 1998 report that the economy continued to expand with considerable output and low inflation;

6. *Also welcomes* the first Country Cooperation Framework approved by the United Nations Development Programme for the period 1998-2002, which should, *inter alia*, assist in the development of a national integrated development plan that will put into place procedures for determining the national development priorities over ten years, with the focus of attention on health, population, education, tourism and economic and social development;

7. *Takes note* of the statement made by the elected Chief Minister in May 2000 that the Territory is in the process of developing diversified resource mobilization strategies, including joint ventures with the private sector, and that external assistance would be welcomed as part of that process;

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[6] See A/AC.109/2089, para. 29.

XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Pacific regional seminar, held at Majuro, Marshall Islands, from 16 to 18 May 2000,

Noting that although 80.4 per cent of the 27.5 per cent of the electorate that voted in the referendum on the political status of the Territory held on 11 October 1993 supported the existing territorial status arrangements with the administering Power, the law required the participation of 50 per cent of the registered voters for the results to be declared legally binding and therefore the status was left undecided;

Noting also the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the Association of Caribbean States,

Noting the necessity of further diversifying the economy of the Territory,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction the interest of the Territory in joining the United Nations International Drug Control Programme as a full participant,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

Noting that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 27 May 2000 in official ceremonies in Tortola,

1. *Requests* the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. *Also requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. *Further requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

4. *Expresses concern* that the Territory, which is already heavily indebted, had to borrow 21 million dollars from a commercial bank to carry out its year 2000 computer compliance programme, and calls for the United Nations year 2000 programme to be made available to the Non-Self-Governing Territories;

5. *Notes* that the general elections held in the Territory in November 1998 resulted in the orderly transfer of power;

6. *Expresses concern* that the territorial Government is facing severe fiscal problems, which has resulted in an accumulated debt of more than 1 billion dollars;

7. *Welcomes* the measures being taken by the newly elected territorial Government in addressing the crisis, including the adoption of a five-year operating and strategic financial plan, and calls upon the administering Power to provide every

assistance required by the Territory to alleviate the fiscal crisis, including, *inter alia*, the provision of debt relief and loans;

8. *Notes* that the 1994 report of the United States Virgin Islands Commission on Status and Federal Relations concluded that, owing to the insufficient level of voter participation, the results of the 1993 referendum were declared legally null and void.

United Nations A/AC.109/2000/L.9/Rev.1/Corr.1

General Assembly

Distr.: Limited
19 July 2000

Original: English

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Revised consolidated draft resolution submitted by the Chairman

Questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

Corrigendum

IV. British Virgin Islands

Add a new operative paragraph 3, *reading*

3. *Welcomes* the assessment by the Caribbean Development Bank in its 1999 report that the Territory enjoyed continued expansion of the financial services sector and tourism industries, and further welcomes the provision to the Territory of 21.1 million United States dollars in technical assistance loans by the Caribbean Development Bank, including 19.9 million dollars to assist with the financing of the Beef Island Airport;

VI. Guam

Operative paragraph 4, second line

For people *read* original landowners

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United Nations A/AC.109/2000/L.10

General Assembly

Distr.: Limited
26 June 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Tokelau

Fiji and Papua New Guinea: draft resolution

The Special Committee,

Having considered the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau, delivered by the *Ulu-o-Tokelau* (the highest authority on Tokelau) on 30 July 1994, which states that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular, General Assembly resolution 54/89 of 6 December 1999,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help which Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other

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organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

Recalling the dispatch of a United Nations visiting mission to Tokelau in 1994,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* Tokelau's desire to move at its own pace towards an act of self-determination;

3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;

4. *Commends* Tokelau's ongoing work in charting a distinctive constitutional course, reflecting its unique traditions and environment;

5. *Also commends* Tokelau for current initiatives and endeavours, based on wide consultation with its people, to construct a true "house of Tokelau", acknowledging the role of the village as the foundation of Tokelau, as well as the need to continue the process of strengthening the basis of national self-government, and the aim of establishing the capacity for economic survival in a sustainable way;

6. *Acknowledges* the attention being given to broader matters of governance, including the upgrading of financial regulations, to establish clear local channels of responsibility in national and village government;

7. *Notes* that, responding to the desire of Tokelau, the New Zealand Government has legislation in place to enable responsibility for the Tokelau Public Service to be passed from the State Services Commissioner in New Zealand to Tokelau, the timing to be set by mutual agreement when Tokelau has established a suitable local employment framework;

8. *Acknowledges* Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

9. *Welcomes* the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

10. *Also welcomes* the Statement on Official Development Assistance Cooperation between New Zealand and Tokelau, setting out the direction and broad structure of New Zealand Official Development Assistance to Tokelau, to better meet new development and governance needs in the medium term;

11. *Calls upon* the administering Power and United Nations agencies to continue their assistance to Tokelau, as it further develops its economy and governance structures within the context of its ongoing constitutional evolution;

12. *Decides* to continue examination of the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-fifth session.

United Nations A/AC.109/2000/L.10/Rev.1

General Assembly

Distr.: Limited
11 July 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Fiji and Papua New Guinea: revised draft resolution

Question of Tokelau

The Special Committee,

Having considered the question of Tokelau,

Recalling the solemn declaration on the future status of Tokelau, delivered by the *Ulu-o-Tokelau* (the highest authority on Tokelau) on 30 July 1994, which states that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular General Assembly resolution 54/89 of 6 December 1999,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help which Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other

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organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

Recalling the dispatch of a United Nations visiting mission to Tokelau in 1994,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* the desire of Tokelau to move at its own pace towards an act of self-determination;

3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;

4. *Acknowledges* the participation of the *Ulu-o-Tokelau* in the Pacific regional seminar held at Majuro, and his account of how Tokelau's Modern House project, in both its governance and its economic development dimensions, is seen by Tokelauans as the means to achieving its act of self-determination;

5. *Welcomes* the statement of the Council of Faipule of July 2000 that, following consultations in each village and a meeting of the General Fono in June 2000, full and overwhelming support has been given to the implementation of the project;

6. *Notes* the confirmation by the Council of Faipule that in the twelve months from July 2000 there will be significant movement in implementing the project, in conjunction with New Zealand;

7. *Acknowledges* that New Zealand has committed substantial additional funding to the project in 2000/2001, and its intention to collaborate with Tokelau in ways that can produce a significant momentum;

8. *Notes* the changes being made in arrangements for the delivery of public services, within an environment in which the institution of the village is truly recognized as the foundation of the nation, and the expectation that the New Zealand State Services Commissioner may be able to withdraw from his role as employer of the Tokelau Public Service at a time to be set by mutual agreement when Tokelau has established a suitable local employment framework;

9. *Also notes* that the Constitution of a self-governing Tokelau will continue to develop as a part and as a consequence of the building of the Modern House, and that both have national and international importance for Tokelau;

10. *Acknowledges* Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

11. *Notes* the special challenge inherent in the situation of Tokelau, among the smallest of the small Territories, and how a Territory's exercise of its inalienable right to self-determination may be brought closer, as in the case of Tokelau, by the meeting of that challenge in innovative ways;

12. *Welcomes* the assurance of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

13. *Calls upon* the administering Power and United Nations agencies to continue their assistance to Tokelau, as it further develops its economy and governance structures within the context of its ongoing constitutional evolution;

14. *Decides* to continue examination of the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-fifth session.

United Nations A/AC.109/2000/L.11

General Assembly

Distr.: Limited
27 June 2000
English
Original: Spanish

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 6 July 1999 concerning Puerto Rico

Cuba: draft resolution

The Special Committee,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that the decade of the 1990s, which will soon draw to a close, was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and the eighteen resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

Recalling that 25 July 2000 marks the one hundred and second anniversary of the intervention in Puerto Rico by the United States of America,

Further recalling the diverse initiatives taken by the political representatives of Puerto Rico and the United States in the past eleven years, which have thus far failed to set in motion the process of decolonization of Puerto Rico,

Stressing the need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV), and resolutions and decisions of the Special Committee concerning Puerto Rico,

Taking into account the proposals to convene a sovereign Constituent Convention of the people of Puerto Rico as part of the search for realistic procedures which would make it possible to launch the process of decolonization of Puerto Rico,

Aware that Vieques Island, Puerto Rico, has been used for over fifty years by the United States Marines to carry out military manoeuvres, thus limiting access by the civilian population to a space scarcely a quarter of the island, and having an impact on the health of the population, the environment and the economic and the social development of the Territory,

Regretting that, after a year of inactivity, which was welcomed by the people of Puerto Rico, the Government of the United States has resumed its military manoeuvres and bombings on Vieques Island, which is inhabited, removing and incarcerating peaceful demonstrators and imposing further restrictions on the civilian population,

Noting the consensus among the Puerto Rican people on the urgency of halting military manoeuvres on Vieques Island and on the return of occupied land to the people of Puerto Rico,

Further noting the consensus among the people of Puerto Rico in favour of the release of all Puerto Rican prisoners who have been serving sentences in United States prisons on cases related to Puerto Rico's independence,

Noting with satisfaction the release of eleven Puerto Rican political prisoners,

Further noting that the Final Document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held in Cartagena de Indias on 8 and 9 April 2000, reaffirms the right of the people of Puerto Rico to self-determination and independence on the basis of General Assembly resolution 1514 (XV) and requests the Special Committee to continue actively pursuing the issue of Puerto Rico,

Having heard statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own and unequivocal national identity;

3. *Reaffirms its hope*, and that of the international community, that the Government of the United States of America will assume its responsibility of expediting a process that will allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico;

4. *Notes with satisfaction* that, during the past year, progress has been achieved towards the implementation of a mechanism ensuring the full participation of representatives of all viewpoints prevailing in Puerto Rico, such as the proposals to convene a sovereign Constituent Conference of the people of Puerto Rico;

5. *Expresses its hope* that the General Assembly of the United Nations will give comprehensive consideration to the question of Puerto Rico in all its aspects;

6. *Encourages* the Government of the United States, in line with the need to guarantee to the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order the halt of its armed forces' military drills and manoeuvres on Vieques Island, which is inhabited, return the occupied

land to the people of Puerto Rico, halt the persecution, arrests and harassment of peaceful demonstrators, respect fundamental human rights, such as the right to health and economic development, and decontaminate the impact areas;

7. *Welcomes* the release of eleven Puerto Rican prisoners and *expresses its hope* that the President of the United States will release all Puerto Rican political prisoners serving sentences in United States prisons on cases related to the struggle for the independence of Puerto Rico;

8. *Notes with satisfaction* the report prepared by the Rapporteur, in compliance with its resolution of 6 July 1999;

9. *Requests* the Rapporteur to report to the Special Committee in the year 2001 on the implementation of the present resolution;

10. *Decides* to keep the question of Puerto Rico under continuous review.

United Nations A/AC.109/2000/L.12

General Assembly

Distr.: Limited
8 July 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chairman

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

The Special Committee,

Having considered the item entitled "Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories",

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, as well as all other relevant General Assembly resolutions, including, in particular, resolution 46/181 of 19 December 1991,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that has a negative impact on the interests of the peoples of the Non-Self-Governing Territories and on the exercise of their right to self-determination in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV) is contrary to the purposes and principles of the Charter,

Reaffirming further that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory, and bearing in mind the need to promote the economic stability, diversification and strengthening of the economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Conscious also that foreign economic investment, when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes, could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their right to self-determination,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. *Reaffirms* the right of peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;

2. *Affirms* the value of foreign economic investment undertaken in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. *Reaffirms* the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;

4. *Reaffirms its concern* about any activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources;

5. *Affirms* the need to avoid any economic and other activities which adversely affect the interests of the peoples of the Non-Self-Governing Territories;

6. *Calls once again upon* all Governments that have not yet done so to take, in accordance with the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in the Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises;

7. *Reiterates* that the damaging exploitation and plundering of the marine and other natural resources of the Non-Self-Governing Territories, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. *Invites* all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. *Calls upon* the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. *Requests* the Secretary-General to continue, through all means at his disposal, to inform world public opinion of any activity that affects the exercise of the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter and General Assembly resolution 1514 (XV);

12. *Appeals* to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts to promote the economic well-being of the peoples of the Non-Self-Governing Territories;

13. *Decides* to follow the situation in the Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of their peoples, including the indigenous populations, and at promoting the economic and financial viability of those Territories;

14. *Decides* to continue to examine this question and to report thereon to the General Assembly at its fifty-fifth session.

United Nations A/AC.109/2000/L.13

General Assembly

Distr.: Limited
8 July 2000

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft decision submitted by the Chairman

Military activities and arrangements by colonial Powers in Territories under their administration

1. The Special Committee, having considered the item entitled "Military activities and arrangements by colonial Powers in Territories under their administration" and recalling General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

2. Aware of the presence of such bases and installations in some of those Territories, the Special Committee urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

3. The Special Committee reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Committee once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with the relevant resolutions of the General Assembly. Alternative sources of livelihood for the peoples of the Non-Self-Governing Territories should be provided.

4. The Special Committee reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing,

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dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

5. The Special Committee deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose could adversely affect the economic development of the Territories concerned.

6. The Special Committee takes note of the decision of some of the administering Powers to close or downsize some of those military bases in the Non-Self-Governing Territories.

7. The Special Committee requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories which constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

8. The Special Committee decides, subject to any directives that the General Assembly may give in this connection at its fifty-fifth session, to continue to consider the item at its next session.